IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4761 OF 2004

Bhanudas Vithaldas Kataria.] .. Petitioner

Vs

Sayyad Fakir Mohammad Hasan.] .. Respondent

None for the petitioners.

None for the respondents.

CORAM: ANOOP V. MOHTA, J.

DATED: 25TH NOVEMBER, 2004.

P.C.:

1. Called out twice. None appears for the petitioner. The petitioner has invoked the provisions of Section 227 of the Constitution of India and prayed to quash and set aside the order dated 1st March, 1994. The Petition is pending since 3rd February, 2003. By the impugned order, an application under Section 10 of the Civil Procedure Code was rejected by observing that the present Suit has an independent cause of action and, therefore, cannot be stayed as the matter involved in the earlier Suit and the present Suit is not the same. The reasoning given by the learned Judge, while rejecting the said application under Section 10, CPC, are based on **AIR 1953, Bombay, 117** [Jaihind Iron Mart

Vs. Tulsiram Bhagwandas].

2. There is no reason to interfere with the matter. The Petition is dismsised.

ANOOP V. MOHTA, J.